

APPEAL NO. 040901
FILED JUNE 4, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on March 31, 2004. The hearing officer determined that respondent (claimant) is entitled to supplemental income benefits (SIBs) for the 10th quarter. Appellant (carrier) appealed the determinations regarding good faith and SIBs entitlement on sufficiency grounds. Claimant responded that the Appeals Panel should affirm the hearing officer's decision and order.

DECISION

We affirm.

Carrier contends that the facts regarding this quarter are the same as the prior quarter, and that the hearing officer erred in determining that claimant is entitled to SIBs for the 10th quarter when he found no entitlement for the prior quarter. We note that the hearing officer found a difference in claimant's participation in the Texas Rehabilitation Commission (TRC) Individualized Plan for Employment (IPE) during the qualifying period for the 10th quarter. The hearing officer could find that claimant had met with the TRC and had complied with the requirements of the amended IPE during the qualifying period for the 10th quarter. The hearing officer had noted that claimant had complied with the IPE and obtained the required counseling during the prior quarter. We have said that TRC sponsorship of a vocational rehabilitation program is not limited to funding of services by the TRC, but can also include services that the TRC arranges for in a vocational rehabilitation plan with no funding by the TRC. In this case, the TRC arranged for counseling services for claimant. The hearing officer could find that claimant's vocational rehabilitation program with the TRC meets the requirements of Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 130.101(8) (Rule 130.101(8)).

We have reviewed the complained-of determinations and conclude that the issues involved fact questions for the hearing officer. The hearing officer reviewed the record and decided what facts were established. We conclude that the hearing officer's determinations are supported by the record and are not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

We affirm the hearing officer's decision and order.

The true corporate name of the insurance carrier is **ZURICH AMERICAN INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**LEO F. MALO
12222 MERIT DRIVE, SUITE 700
DALLAS, TEXAS 75251.**

Judy L. S. Barnes
Appeals Judge

CONCUR:

Daniel R. Barry
Appeals Judge

Robert W. Potts
Appeals Judge